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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,465

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Paul Blazevic

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EXAMINER

KENNY, DANIEL J

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3633

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03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,465	Applicant(s) BLAZEVIC, PAUL	
	Examiner DANIEL KENNY	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/1/2004, 11/7/2006, 6/6/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 recites the limitation "coupling". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, 10, 12, and 14-19 – are rejected under 35 U.S.C. 102(b) as being anticipated by Chinese Utility Model Patent (CN 2197409Y).

Utility Model Patent (CN) discloses a building panel comprising:

Claim 1 - spaced apart walls (w) forming cells (c);

apertures (a) in said walls such that said walls forming each said cell include at least two apertures;

a substantially planar skin (s) disposed adjacent and substantially perpendicular to said walls such that said cells are open on a side opposite said planar skin; and

a projection (p) extending beyond at least one perimeter portion of said walls.

Claims 2-4 – The projection is formed by a portion of said skin, the skin comprises a beveled edge (be) provided on at least two opposite edges of the skin.

Claim 9 - The cells have a square cross section.

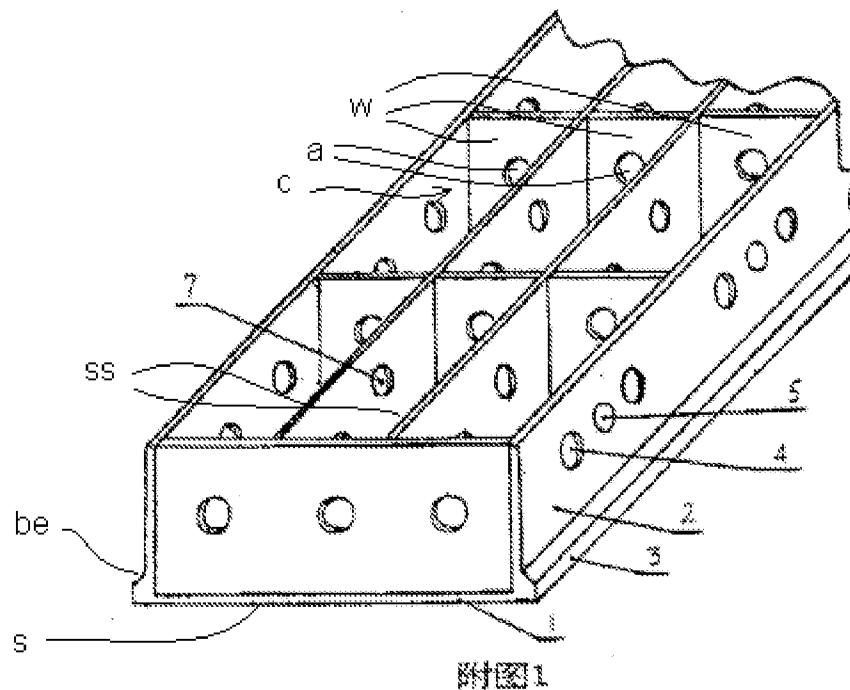
Claim 10 - The walls and the skin are rigid.

Claim 12 – The panel is formed from metal.

Claims 14-16 – The spaced apart walls comprise a first set of substantially parallel spaced apart walls and a second set (ss) of substantially parallel spaced apart walls, wherein said first set of spaced apart walls are substantially perpendicular to said second set of spaced apart walls, and the apertures in said substantially parallel walls are aligned.

Claim 17 - The apertures can inherently facilitate the passage therethrough of one or more of: reinforcing members, conduits, pipes, tubes, rods, cables.

Claims 18 and 19 - The panel comprises perimeter walls, which together define a rectangle.



Annotated Fig. 1 (Chinese Utility Model Patent CN 2197409Y).

Claims 20, 22-25, and 28 – are rejected under 35 U.S.C. 102(b) as being anticipated by Chinese Patent (CN 2368912 Y).

Chinese Patent discloses a method of constructing a building structure in a particular orientation from a plurality of building panels, each building panel comprising:

Claim 20 - a plurality of spaced apart walls (wa) forming a plurality of cells (ce);
apertures (ape) in said walls such that said walls forming each said cell include at least two apertures;

a substantially planar skin (skin) disposed adjacent and substantially perpendicular to said walls such that said cells are open on a side opposite said planar skin; and

a projection (pro) extending beyond a perimeter portion of the walls.
said method including the steps of:
securing a first building panel in said orientation; and
abutting a second building panel against said first building panel such that the
projection of the first building panel overlaps the second panel (page 1).

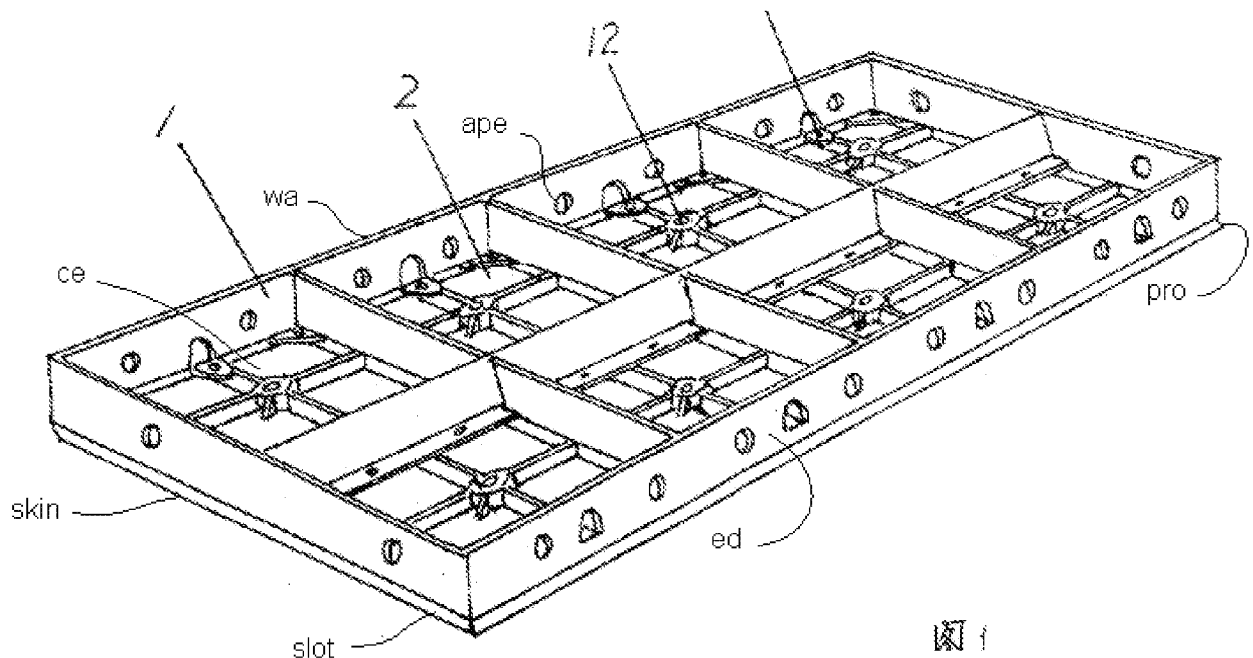
Claim 22 – A slot (slot) of the second panel accommodates the projection of the
first panel.

Claim 23 - The apertures in the walls of the first panel align with corresponding
apertures in the walls of said second panel (Fig. 1).

Claim 24 - Further including the step of securing said first and second panels
together with fastening means (Page 1).

Claim 25 - Including the steps of securing one or more further panels to said first
and/or said second panels.

Claim 28 - Including the step of filling at least one cell with settable material
(concrete).



Annotated Fig. 1 (Chinese Patent (CN 2368912 Y))

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

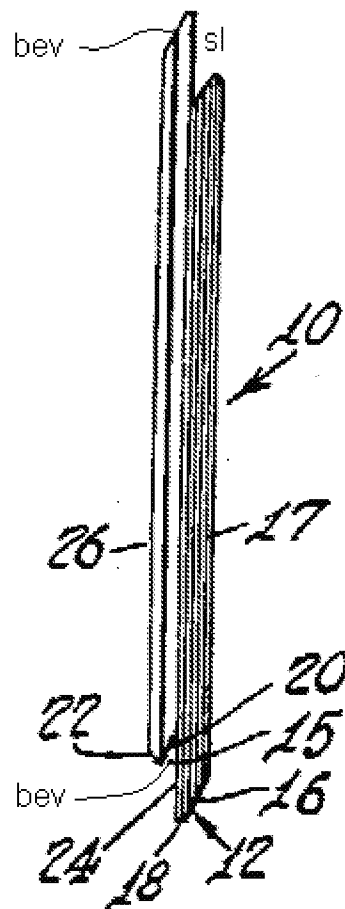
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-8 - are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinese Utility Model Patent in view of Scull (2,276,071).

CH discloses all the claimed elements as described above, except the panel comprising a slot along a perimeter portion of the length and width of the pane, said slot sized and shaped to receive said projection of an adjacent panel, and wherein the skin covers the same area as the panel, but is offset relative to the panel, and

Scull discloses a panel (10) comprising a slot (sl) along a perimeter portion of the length and width of the pane, said slot sized and shaped to receive a projection (12) of an adjacent panel, and wherein a skin (top portion encompassing face, 26) covers the same area as the panel, but is offset relative to the panel.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panel of CN with the mating slot/projection of Scull because it does no more than yield predictable result of allowing adjacent panels to be connected.



Annotated Fig. 2 (U.S. Pat. 2,276,071)

Claims 11 and 13 - are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinese Utility Model Patent (CN).

CN does not disclose a specific material. It would have been obvious to one having ordinary skill in the art at the time of invention to use a specific material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416

Claim 21 – is rejected under 35 U.S.C. 103(a) as being unpatentable over Chinese Patent (CN 2368912 Y) in view of Scull.

Chinese patent does not expressly disclose a beveled edge of the skin of the first panel abutting against a beveled edge of the skin of the second panel.

Scull discloses a beveled edge (bev) of the skin of a first panel abutting against a beveled edge (bev) of the skin of a second panel.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panel of CP with the mating beveled edges of Scull because it does no more than yield predictable result of allowing adjacent panels to be more firmly connected.

Claims 26 and 27 - are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinese Patent (CN 2368912 Y) in view of Davidson (3481093).

Chinese Patent does not expressly disclose the step of routing one or more reinforcing members through aligned apertures of said walls, or routing one or more of the following through aligned apertures of said walls: conduits, pipes, tubes, rods, cables.

Davidson discloses the step of routing one or more reinforcing members through aligned apertures of said walls, or routing one or more of the following through aligned apertures of said walls: conduits, pipes, tubes, rods, cables (col. 2, line 65).

Claims 30-33 – are rejected under 35 U.S.C. 102(b) as being anticipated by Chinese Patent (CN 2368912 Y) in view of Lu (5,092,093).

Chinese Patent discloses a method of constructing a building structure in a particular orientation from a plurality of building panels, each building panel comprising:

a plurality of spaced apart walls (wa) forming a plurality of cells (ce);

apertures (ape) in said walls such that said walls forming each said cell include at least two apertures;

a substantially planar skin (skin) disposed adjacent and substantially perpendicular to said walls such that said cells are open on a side opposite said planar skin; and

a projection (pro) extending beyond a perimeter portion of the walls.

said method including the steps of:

securing a first building panel in said orientation.

CP does not disclose the step of securing a second of the building panel in the orientation spaced apart from the first panel. Lu discloses coupling (with reinforcing member, 5) building panels (2,4) spaced apart, wherein cells of a first panel face cells of a second panel (Figs. 3 and 5), and introducing concrete therebetween (col. 1, line 32).

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar panel of CP with the spaced /coupled panels of Lu because it does no more than yield predictable result of forming a concrete wall.

Allowable Subject Matter

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KENNY whose telephone number is (571)272-9951. The examiner can normally be reached on Monday thru Friday, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/D. K./
Examiner, Art Unit 3633

3/1/2008